



EMPLOYMENT TRIBUNALS

Claimant: Mr Shahid Ali

Respondent: Jamiyat Tabligh-ul-Islam

JUDGMENT

The claimant's application dated 4 September 2024 for reconsideration of the Judgment sent to the parties on 22 August 2024 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked. A reconsideration is not necessary in the interests of justice. The claimant is essentially seeking a further opportunity to advance the arguments he raised (and which were considered) at the final hearing.

The evidence the claimant is asking the tribunal to consider was before it and considered at the original hearing.

The tribunal notes that the pleaded protected disclosure relied upon by the claimant in respect of his sermon was limited to what he said to the congregation when giving a sermon on 3 February 2023.

In the context of a public disclosure, as relevant to the sermon and subsequent protest, the assessment of reasonableness is a matter for the tribunal based on its own objective judgement.

Even if the claimant had been found to have made additional qualified protected disclosures, his whistleblowing complaints would not have succeeded given the tribunal's findings as to the reason for his dismissal and other treatment received.

The tribunal did not consider it just and equitable to uplift compensation in the context of a defective investigation in all the circumstances of the case. The ACAS Code focusses on procedures followed rather than the substance of the decision arrived at. There was an investigative meeting with the claimant with other

evidence considered, a disciplinary hearing, an outcome provided together with a right of appeal, which the claimant exercised. This resulted in a further hearing and written decision. An employer's lack of their own disciplinary procedures does not prevent compliance with the Code. The ACAS Guidance on disciplinary procedures is separate to what is a brief and basic Code of Practice.

Employment Judge Maidment

Date 10 September 2024

JUDGMENT SENT TO THE PARTIES ON

16 September 2024

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FOR THE TRIBUNAL OFFICE